

this bill. Nobody from the City Attorney's office was there to discuss the very serious problems of liability. Now, we have a situation where before an arrest can be made there must be a determination that a crime was committed. So how do you determine the crime was committed? The arson investigator conducts an investigation. It is not enough for the arson investigator to see somebody and say, aha, I think this person is here and he or she started this fire, and makes an arrest. There has to be a preliminary investigation and this was established at the hearing, a determination that arson was committed. Maybe somebody from the City Attorney's office did testify because...yes, he did, I asked him this question. When establishing probable cause for an arrest, isn't it necessary that first you must have a crime, then probable cause that the persons arrested committed it? He said, yes, there cannot be an arrest prior to the establishment of the commission of a crime. So in many instances, if a person were there who were suspect, there has not even been a determination that a crime has been committed. If a bad arrest is made and is found later by evidence that this person may have committed it, but the only evidence that would have been admissible was based on the arrest, and the arrest was made without probable cause, the evidence would be suppressed and the case would be dismissed. It is not enough merely to go through a block of training in handling firearms to be competent in their use or even knowing when to draw it. You have to have experience and seasoning so that you don't panic like an ordinary person untrained may do and draw that gun out of fear. Senator Newell is asking that you arm civilians and send them through a perfunctory training period. Now, even though they want to be police officers for some purposes, and peace officers for others, they don't want to take the traffic training or some of the other aspects of training that police officers and peace officers have to take. So, I think what you ought to do is look at this bill and see it for what it is, a granting of an abundance of power to these fire people that no other officer or official in the state possesses. One thing that I hope those who are concerned about the sanctity of a person's home and documents will look at is on page 3 where they can require you to produce documents. There are no guidelines other than to say, any documents or objects which are deemed pertinent to the investigation. Who does the deeming? Whoever issues the subpoena. Who issues the subpoena? The fire investigator. What legal training does he have to equip him to know what probable cause is or any other thing? Nothing. There